

[Dissertation: A Fetus By Any Other Name: How Words Shaped the Fetal Personhood Movement in US Courts and Society \(1884-1973\)](#) ^[1]

By: Abboud, Carolina Keywords: [Fetal Personhood](#) ^[2] [abortion rights](#) ^[3] [History of science](#) ^[4]

Editor's note:

Carolina Abboud defended her dissertation titled "A Fetus By Any Other Name: How Words Shaped the Fetal Personhood Movement in US Courts and Society (1884-1973)," in April 2020 in front of committee members Jane Maienschein, George Justice, Gary Marchant, and Stephen Pyne, earning her a Doctor of Philosophy degree. <https://repository.asu.edu/items/57191> ^[5]

Abstract:

The 1973 Supreme Court case [Roe v. Wade](#) ^[6] was a significant event in the story of fetal personhood—the story of whether embryos and fetuses are legal persons. Roe legalized [abortion](#) ^[7] care in the United States (US). However, the story of fetal [personhood](#) ^[8] began long before the 1970s. People have been talking about embryos, fetuses, and their status in science, the law, and society for centuries. I studied the history of fetal [personhood](#) ^[8] in the United States, tracing its origins from Ancient Rome and Medieval England to its first appearance in a US courtroom in 1884 and then to the Supreme Court's decision in 1973.

But this isn't a history of events—of names and dates and typical details. This is a history of words. In the twenty-first century, words used to discuss embryos and fetuses are split. Some people use humanizing language like "unborn children" and "human life." Others use technical words like "embryos" and "fetuses." I studied what words people used historically. I charted how words moved from science to the public to the law, and how they impacted court rulings on fetal [personhood](#) ^[8].

The use of certain words nudged courts to grant additional rights to embryos and fetuses. In the 1960s, writers began describing the science of development, using words like "unborn child" and humanizing descriptions to make embryos and fetuses seem like people already born. That helped build an idea of embryos and fetuses as having "life" before birth. When people began asking courts to legalize [abortion](#) ^[7] care in the 1970s, attorneys on the opposite side argued that embryos and fetuses were "human life," and that that "life" began at [conception](#) ^[9].

In those cases, "life" was biologically defined as when [sperm](#) ^[10] [fertilized egg](#) ^[11], but it was on that biological definition "life" that judges improperly rested their legal rulings that embryos and fetuses were "potential human life" states had a duty to protect. It wasn't legal [personhood](#) ^[8], but it was a legal status that let states pass laws restricting [abortion](#) ^[7] care and punishing pregnant people for their behavior, trends that threaten people's lives and autonomy in the twenty-first century.

The 1973 Supreme Court case *Roe v. Wade* was a significant event in the story of fetal personhood—the story of whether embryos and fetuses are legal persons. Roe legalized abortion care in the United States (US). However, the story of fetal personhood began long before the 1970s. People have been talking about embryos, fetuses, and their status in science, the law, and society for centuries. I studied the history of fetal personhood in the United States, tracing its origins from Ancient Rome and Medieval England to its first appearance in a US courtroom in 1884 and then to the Supreme Court's decision in 1973.

Subject

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